

Amend HB 1290 by Roberts (Senate committee report) as follows:

(1) Strike SECTION 1 of the bill (page 1, lines 23-61 to page 2, lines 1-14) and substitute the following:

SECTION 1. Subchapter A, Chapter 2001, Government Code, is amended by adding Section 2001.0045 to read as follows:

Sec. 2001.0045. REQUIREMENT FOR RULE INCREASING COSTS TO REGULATED PERSONS. (a) In this section, "state agency" means a department, board, commission, committee, council, agency, office, or other entity in the executive, legislative, or judicial branch of state government. This term does not include an agency under the authority of an elected officer of the state.

(b) Except as provided by Subsection (c), a state agency may not adopt a proposed rule for which the fiscal note for the notice required by Section 2001.024 states that the rule imposes a cost on any regulated person, including another state agency, a special district, and a local government, unless on or before the effective date of the proposed rule the state agency on or before the effective date of the proposed rule the agency:

(1) repeals a rule that imposes a cost on the person that is equal to or greater than the cost imposed on the person by the proposed rule; or

(2) amends a rule to decrease the costs imposed on the person by an amount that is equal to or greater than the cost imposed on the person by the proposed rule; and

(c) This section does not apply to a rule that:

(1) relates to state agency procurement;

(2) is amended to:

(A) reduce the burden or responsibilities imposed on a regulated person by the rule; or

(B) decrease the person's cost for compliance with the rule;

(3) is adopted in response to a natural disaster;

(4) is adopted by the Department of Family and Protective Services; or

(5) is necessary to receive a source of Federal funds.

(d) Each state agency that adopts a rule subject to this

section shall comply with the requirements imposed by Subchapter B and Chapter 2002 for publication in the Texas Register.

(2) Insert the following properly numbered SECTIONS and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 2001, Government Code, is amended by adding Section 2001.0221 to read as follows:

Sec. 2001.0221. GOVERNMENT GROWTH IMPACT STATEMENTS.

(a) A state agency shall prepare a government growth impact statement for a proposed rule.

(b) A state agency shall reasonably describe in the government growth impact statement whether, during the first five years that the rule will be in effect:

(1) the rule creates or eliminates a government program;

(2) implementation of the rule requires the creation of new employee positions or the elimination of existing employee positions;

(3) implementation of the rule requires an increase or decrease in future legislative appropriations to the agency;

(4) the rule requires an increase or decrease in fees paid to the agency;

(5) the rule creates a new regulation;

(6) the rule expands, limits, or repeals an existing regulation;

(7) the rule increases or decreases the number of individuals subject to the rule's applicability; and

(8) the rule positively or adversely affects the state's economy.

(c) The comptroller shall adopt rules to implement this section. The rules must require that the government growth impact statement be in plain language. The comptroller may prescribe the use of a chart that a state agency may use to disclose the items required under Subsection (b).

(d) Each state agency shall incorporate the impact statement into the notice required by Section 2001.024.

(e) This section applies to the adoption of an emergency rule.

(f) Failure to comply with this section does not impair the legal effect of a rule adopted under this chapter.

SECTION \_\_\_\_\_. Not later than October 1, 2017, the comptroller of public accounts shall adopt rules under Section 2001.0221(c), Government Code, as added by this Act.

SECTION \_\_\_\_\_. Section 2001.0221, Government Code, as added by this Act, applies only to a proposed rule for which the notice required under Section 2001.023(b), Government Code, is filed on or after November 1, 2017.

SECTION \_\_\_\_\_. Section 2001.0045, Government Code, as added by this Act, applies only to a rule proposed by a state agency on or after the effective date of this Act. A rule proposed before that date is governed by the law in effect on the date the rule was proposed, and the former law is continued in effect for that purpose.

(3) Strike SECTION 2 of the bill.